

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 26, 2003**

DIVISION ONE

B161400      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Lisa L.

The jurisdictional and dispositional orders of September 11 and October 9, 2002, are vacated, and the cause is remanded to the juvenile court with directions to order respondent to comply with the ICWA; if no response is received, or if the response is negative, the trial court shall reinstate the jurisdictional and dispositional orders. If any tribe determines that Christie and Carly are Indian children within the meaning of the ICWA, the juvenile court shall conduct a new jurisdictional/dispositional hearing and make such further orders as are necessary and appropriate.

Ortega, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B149374      Simi Corp.      (Certified for Publication)  
                 v.  
                 Garamendi  
                 Workers' Compensation Insurance Rating Bureau

The judgment is reversed. Appellants are to recover costs on appeal.

Spencer, P.J.

We concur:    Vogel (Miriam A.), J.  
                 Mallano, J.

DIVISION ONE (Continued)

B160541      Strand      (Not for Publication)

v.  
City of Los Angeles

The judgment is reversed. The court is directed to enter an order granting the petition. Plaintiff is to recover costs on appeal.

Spencer, P.J.

I concur:      Vogel (Miriam A.), J.  
I dissent:      Ortega, J. (Opinion)

B159614      People      (Not for Publication)

v.  
King

The judgment is affirmed.

Mallano, J.

We concur:      Spencer, P.J.  
                         Vogel (Miriam A.), J.

B157984      People      (Not for Publication)

v.  
Gonzalez

We reverse the gun use enhancement. We remand for the trial court to enter an order dismissing the enhancement and to resentence Gonzalez on the carjacking charge. In all other respects, we affirm the judgment.

Ortega, J.

We concur:      Spencer, P.J.  
                         Vogel (Miriam A.), J.

June 26, 2003 (Continued)

## DIVISION ONE (Continued)

B159604 People (Not for Publication)  
v.  
Ruiz

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B153729      Lo      (Not for Publication)  
v.  
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B160215 People (Not for Publication)  
v.  
Ratliff

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

June 26, 2003 (Continued)

## DIVISION ONE (Continued)

B158779 Perez (Not for Publication)

V.

Axon Development Corporation

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B160543 People (Not for Publication)

V.

Jackson

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

B163509      Los Angeles County, D.C.S.      (Not for Publication)

V.

Jaime M.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.

Vogel (Miriam A.), J.

June 26, 2003 (Continued)

## DIVISION ONE (Continued)

B163929      People      (Not for Publication)  
v.  
Hynes

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B162990      Smouse, Pistole & Company      (Not for Publication)  
v.  
Kroust, Baumgarten, Kniss & Guerrero

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B158766 People (Not for Publication)  
v.  
Dorsett

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

June 26, 2003 (Continued)

## DIVISION ONE (Continued)

B166066 Kevin K. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(L.A. County Department of Children & Family Services, r.p.i.)

Petition denied by opinion.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B159030      People                          (Not for Publication)  
v.  
De Lorenzo

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The judgment is affirmed.

Spencer, P.J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

[illegible]

The judgment is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment to reflect Bryant's conviction of attempted voluntary manslaughter, and to forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Ortega, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B159292 People v. Elizarraraz  
B161710 People v. Alexander  
B161831 People v. Blaylock  
B163215 People v. Estrada  
B160387 SMS Financial IV v. Benigno  
B160419 People v. Hobley  
B161141 People v. Cortez  
B158719 People v. Coburn  
B162875 People v. Madera  
B157593 People v. Miller  
B161609 People v. Lewis  
B160925 People v. Gomez  
B144015 People v. Clardy  
B160996 People v. Contreras  
B161664 DCFS v. Michelle W.  
B166222 Patricia C. v. S.C.L.A.  
B165698 Amber L. v. S.C.L.A.  
B166788 Dell N. v. S.C.L.A.

Argument waived, cause submitted.

B161657     People  
              v.  
              Agasarkisian

Merits:

Argued by G. Tracey Letteau, Deputy Attorney General, for respondent and by Paul Zimmerman for appellant. Cause submitted.

B160352     National Council Against Health Fraud, Inc.  
              v.  
              Botanical Laboratories, Inc.

Merits:

Appellant waived oral argument and made no appearance. Argument presented by Alvin Lorman for respondents. Cause submitted.

DIVISION TWO (Continued)

B159319     In re: The O'Connell Family Trust  
               v.  
               Cushing

Merits:  
No appearance by respondent. Argument presented by Karen Segel for appellant. Cause submitted.

B155853     Kakar et al.  
               v.  
               Vineyard Apartments et al.

Merits:  
Argued by Carol Boyk for appellants and by James Gilmore for respondents. Cause submitted.

B158068     Nazemi  
               v.  
               International Bank of California

Merits:  
Argued by Daniel Doonan for appellant and by Bruce Bauer for respondent. Cause submitted.

B157637     People  
               v.  
               Hua

Merits:  
Argued by Beverly Falk, Deputy Attorney General, for respondent and by Dennis Fischer for appellant. Submission deferred.

B157351     Martinez  
               v.  
               Greystone Homes

Merits:  
Argued by Nolan Clark for appellant and by Barry Ross for respondent. Cause submitted.



DIVISION TWO (Continued)

B156548      Environmental World Watch  
                 v.  
                 Cummins Engine Co., Inc.

Merits:  
Argued by Robert Mandell for appellant and by Michele Corash for  
respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy  
Clerk.

B158787      Jones et al.  
                 v.  
                 First American Corp., et al.

Merits:  
Argued by John Anderson for appellants and by James Treadwell for  
respondents. Cause submitted.

B160264      Cavanaugh  
                 v.  
                 Stokley et al.

Merits:  
Argued by Gene Koon for appellant and by Paul Lusby for respondents.  
Cause submitted.

B160979      Ray Arce, Inc.  
                 v.  
                 Peck/Jones Construction Corp.

Merits:  
Argued by Curtiss Bonneville for appellant and by Ryan Eskin for  
respondents. Cause submitted.

June 26, 2003 (Continued)

## DIVISION TWO (Continued)

B166343      The People  
v.  
Superior Court, Los Angeles County  
(Flores et al., r.p.i.)

Merits:

Argued by Jessica Goulden, Deputy District Attorney, for petitioner and by Graciela Martinez for real parties in interest. Cause submitted.

B153395      Conservatorship of William Penuela  
v.  
Penuela

Merits:

Argued by Susan Weiss for respondent and by Roy Penuela for appellant.  
Cause submitted.

Court adjourned.

DIVISION FOUR

[illegible]

The orders are affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

June 26, 2003 (Continued)

DIVISION FOUR (Continued)

B162664      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
P.W.

The orders are affirmed.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
Curry, J.

B155666      Pro America et al.      (Not for Publication)  
v.  
Robert Aaron et al.

The judgment is affirmed.

Epstein, Acting P.J.

We concur:    Hastings, J.  
Curry, J.

DIVISION FIVE

B160270      Sierra Club      (Not for Publication)  
v.  
City of Industry et al.

The judgment is affirmed. Defendants and real party in interest shall each separately recover their costs incurred jointly and severally from plaintiffs. No costs are imposed against the Attorney General.

Turner, P.J.

We concur:    Armstrong, J.  
Mosk, J.

DIVISION FIVE (Continued)

B154613/ Franco (Not for Publication)  
B157009 v.  
Stricks et al.

The judgment is reversed. Plaintiff and appellant Richard Franco shall recover his costs on appeal.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION SIX

B163584 Santa Barbara County Child Protective Services (Not for Publication)  
v.  
Wanda M.

The judgment (order terminating parental rights) is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B161445 People (Not for Publication)  
v.  
Augustine

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

June 26, 2003 (Continued)

## DIVISION SIX (Continued)

B164962 People (Not for Publication)  
v.  
McCormick

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B153803	Board of Trustees for the San Luis Obispo County Pension Trust et al. v. Mercer et al.	(Not for Publication)
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The judgment is affirmed. All parties are to bear their own costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B141850      Reynolds  
v.  
Philip Morris USA, Inc.

Filed order modifying opinion. Respondent Philip Morris USA, Inc.'s petition for rehearing is denied. (Change in judgment)

June 26, 2003 (Continued)

## DIVISION SEVEN

B158933 People (Not for Publication)  
v.  
London

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B155667 People (Not for Publication)  
v.  
Smith

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B157010      Mohag  
v.  
Developers Insurance Company

Filed order denying petition for rehearing.